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Amendment to the Inventorship

Please amend the Inventorship by deleting Naoto JIKUTANI who is not an inventor of the subject matter claimed in the present application (upon entry of the cancellation of claims 11-35).

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REMARKS

Claims 1-35 were pending. By this Amendment, unexamined, nonelected claims 11-35 have canceled, without disclaimer or prejudice to applicant's right to pursue the canceled claims in one or more divisional or continuation applications. Claims 1-10 would remain pending upon entry of this amendment, with claim 1 being the sole pending claim in independent form.

The January 22, 2009 Office Action indicates that examination of the above-identified patent application will be restricted under 35 U.S.C. §121 to one of the following allegedly distinct groups of claims:

- I. Claims 1, 11, 15, 20, 24 and 28, drawn to a device of a surface-emission laser diode, classified in class 372, subclass 50.124; and
- II. Claim 14, drawn to a method of manufacturing a surface emission laser diode, classified in class 438, subclass 1+.

The Office Action also states that if applicant elects group I (drawn to device), the Office Action further requires applicant to elect one of the following species:

- Species 1, directed to a surface-emission laser diode shown in figure 3;
- Species 2, directed to a surface-emission laser diode shown in figure 5;
- Species 3, directed to a surface-emission laser diode shown in figure 6-7;
- Species 4, directed to a surface-emission laser diode shown in figure 8;
- Species 5, directed to a surface-emission laser diode shown in figure 9;
- Species 6, directed to a surface-emission laser diode shown in figure 15-16;
- Species 7, directed to a surface-emission laser diode shown in figure 17-19;
- Species 8, directed to a surface-emission laser diode shown in figure 20;
- Species 9, directed to a surface-emission laser diode shown in figure 21; and
- Species 10, directed to a surface-emission laser diode shown in figure 22.

Applicant hereby elects, without traverse, to prosecute group I. Applicant further elects to prosecute Species 1, corresponding to Figure 3. Claims readable on group I, Species 1 include pending claims 1-10.

By this Amendment, unexamined, nonelected claims 11-35 have canceled, without

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prejudice or disclaimer.

The correct inventors were named in the application as originally filed. However, as a result of the cancellation of claims 11-35, the invention of Naoto JIKUTANI is no longer being claimed in the present application. By this Amendment, the Inventorship is being amended by deleting Naoto JIKUTANI who is not an inventor of the subject matter claimed in claims 1-10 of the present application.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition.

The Patent Office is hereby authorized to charge the \$130.00 processing fee required for amendment of the Inventorship and any additional required fees in connection with this amendment, and to credit any overpayment, to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Respectfully submitted,



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